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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,301	10/26/2001	Robert S. Bosko	0006-0023	1272

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EXAMINER

MENON, KRISHNAN S

ART UNIT	PAPER NUMBER
1723	6

DATE MAILED: 01/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	10/045,301	Applicant(s)	BOSKO, ROBERT S.
Examiner	Krishnan S Menon	Art Unit	1723

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### **Status**

- 1) Responsive to communication(s) filed on 04 June 2002.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### **Disposition of Claims**

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

### **Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### **Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,5</u> | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-5, 8-12, 14, 20-25 and 27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Boulter (US 6,093,312).

Boulter (312) teaches a treated water source (fig 3), a host system (fig 24,26), control system (fig 24,26), and a separate unit coupled to the unit (2028-fig 24) as in instant claim 1 and 20.

Boulter (312) teaches RO system, reservoir, and a cooling source proximate to the reservoir as in instant claims 2-5, and 21-24 (10, 2301, 8 – fig 24; col 6 lines 21-35), including as in instant claims 8-12, 25 and 27; and the water that is not frozen in the ice-maker is recycled (see 3203-fig 24, col 8 lines 36-44).

2. Claims 1-14, 20-25 and 27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Blades (US 5,536,411).

Blades (411) teaches a water-using system or unit as in instant claims 1 and 20 comprising treated water source (fig 1), a host unit performing host functions (fig 1,4, 5; abstract; col 2 lines 10-38), a separate unit remote from the water-using unit and coupled to the treated water source (90-fig 3; col 4 lines 49-60), and control systems for controlling the process (fig 1-5).

The treated water source in Blades (411) comprises a reservoir and an RO system (70, 60, fig-1; 92-fig 3) as in instant claims 2, 3, 5, 9, and 21-23, cooling source proximate to the reservoir (110-fig 4) as in instant claim 4, 10,24 and 27, condenser with the host system using RO reject water,

inlet water and ice as in instant claim 6, 7 and 12 (col 5 lines 45-67), host system has an icemaker as in instant claim 8 and 25 (claim 1, fig 3), the cooling source has an evaporator as in instant claim 11 (fig 4, col 5 lines 49-55), the water feed to the icemaker is pulsed (the resurfacer 90 feeds water intermittently – fig 3) as in instant claim 13, and the ice and water not frozen are recycled to the reservoir 30 (fig 1) as in instant claim 14.

3. Claims 1 and 15-19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Creddle, Jr (US 5,992,685).

Creddle (685) teaches a water-using unit with host system, and controls as in instant claim 1 (see fig 1 and 12), the system comprises a beverage dispenser including a cooling source (abstract), and a reservoir (34-fig 6) proximate to the cooling source as in instant claim 15-17; the system includes carbonator, supply of syrups and flavors as in instant claim 18 and 19 (abstract, fig 5-8).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

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3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boulter (312).

Boulter teaches all the limitations of claim 13 as in claim 1 above, but does not specifically state a pulsating flow to the icemaker. However, Boulter (312) teaches a pump, Hoshizaki Model KM1600S (col 6 lines 66-67), which could pulse the water to the icemaker. It would be obvious to one of ordinary skill in the art at the time of invention to have pulsating flow to the icemaker due to such a pump as taught by Boulter (312).

5. Claims 26 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulter (312) in view of Creddle (685).

Boulter (312) teaches all the limitations of instant claims 26 and 28-30 as in claim 20 above, except for the beverage dispenser as in instant claims 26 and 28. Creddle (685) teaches a water-using unit with a beverage dispenser as in instant claims 26 and 28 (see figures and abstract). It would be obvious to one of ordinary skill in the art at the time of invention to have the Boulter R/O system coupled/connected to the beverage dispenser of Creddle (685) to have a filtered fluid before dispensing as taught by Creddle. (figure 2, R/O before dispensing)

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Crowley et al (US 2002/0175127 A1 teaches a water-using unit with RO, ice and carbonated beverage dispensing. Ice and carbonated beverage dispensing is also taught in Kidd et al (US 5,350,085)

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S Menon whose telephone number is 703-305-5999. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Krishnan S. Menon  
Patent Examiner  
December 30, 2002

*Walker*  
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